

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:21-CV-208-FL

LARRY D. HILL, JR.,

Plaintiff,

v.

JOHNATHAN SUTTON; SUTTON
AMUSEMENT; and GMD LLC,

Defendants.

ORDER

This matter is before the court upon pro se plaintiff's motion for leave to proceed in forma pauperis (DE 1), and for review of plaintiff's complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's claims be dismissed. (DE 4). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends dismissal of plaintiff's tort and breach of contract claims for lack of subject matter jurisdiction, reasoning that they do not arise under federal law and complete diversity is lacking. To the extent plaintiff also asserts a claim under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1964, the magistrate judge recommends dismissal of plaintiff's claims as they are insufficient to satisfy the pleading requirements of Federal Rule of Civil Procedure 8. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, plaintiff's claims are DISMISSED WITHOUT PREJUDICE. The clerk of court is DIRECTED to close the case.

Of its own initiative, the court also reviewed plaintiff's motion for leave to proceed in forma pauperis, provisionally sealed, for the purpose of determining whether sensitive information was included therein. Where the motion includes confidential identifying information for minor dependents, the clerk is DIRECTED maintain DE 1 under seal.

SO ORDERED, this the 31st day of October, 2022.



LOUISE W. FLANAGAN
United States District Judge